

**MINUTES OF THE
BUSINESS AND LABOR INTERIM COMMITTEE**
Wednesday, May 20, 2009 – 8:30 a.m. – Room 210 Senate Building

Members Present:

Sen. John L. Valentine, Senate Chair
Rep. James A. Dunnigan, House Chair
Sen. Gene Davis
Sen. Daniel R. Liljenquist
Sen. Karen Mayne
Sen. Wayne L. Niederhauser
Rep. Jackie Biskupski
Rep. Stephen D. Clark
Rep. Jack R. Draxler
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Francis D. Gibson

Rep. Neil A. Hansen
Rep. Todd E. Kiser
Rep. David Litvack
Rep. Steven R. Mascaró
Rep. Michael T. Morley
Rep. Patrick Painter
Rep. C. Brent Wallis

Staff Present:

Mr. Bryant R. Howe, Assistant Director
Ms. Patricia Owen, Associate General Counsel
Ms. Phalin L. Flowers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Dunnigan called the meeting to order at 8:32 a.m.

Committee members and staff introduced themselves.

MOTION: Sen. Niederhauser moved to approve the minutes of the November 19, 2008 meeting. The motion passed unanimously with Sen. Davis, Rep. Clark, Rep. Gibson, Rep. Kiser, Rep. Litvack, and Rep. Morley absent for the vote.

Mr. Howe distributed and discussed "Open and Public Meetings Act," which summarizes the requirements of the Open and Public Meetings Act.

Ms. Owen discussed a recent Utah Supreme Court case involving workers' compensation.

2. Review of Study Items for the 2009 Interim

Mr. Howe discussed "Study Items Assigned to the Business and Labor Interim Committee From the 2009 General Session Master Study Resolution, HJR 21" and "2009 Sunset Reviews and Required Reports," which were included in the mailing packet.

3. Review of 2009 First Special Session draft legislation, "Conditions for Requesting and Disclosing Information Under Employment Selection Procedures Act"

Rep. Wayne Harper distributed and discussed 2009 First Special Session H.B. 1002, "Conditions for Requesting and Disclosing Information Under Employment Selection Procedures Act."

Sen. Mayne spoke in support of the bill.

Mr. Dave Davis, Vice President and General Counsel, Utah Retail Merchants and Utah Food Industry, spoke in support of the changes made in the bill, but said he would like to see additional changes to the language in the legislation.

Ms. Monica Whalen, President and CEO of the Employers Council, supported the legislation because it addresses some, but not all, of the concerns with the original general session bill. She indicated that additional changes need to be made to the original general session bill.

Mr. David Copeland, representing Wal-Mart, spoke in support of the bill.

MOTION: Sen. Valentine moved to favorably recommend 2009 First Special Session H.B. 1002, "Conditions for Requesting and Disclosing Information Under Employment Selection Procedures Act."

SUBSTITUTE MOTION: Rep. Mascaro moved to proceed to the next item on the agenda. The motion failed with Rep. Mascaro voting in favor.

Sen. Valentine amended his motion to favorably recommend 2009 First Special Session H.B. 1002, "Conditions for Requesting and Disclosing Information Under Employment Selection Procedures Act," with the following appended statement: "The Business and Labor Interim Committee recommends the issues outlined in H.B. 1002 be considered in the First Special Session of the 2009 Legislature and further recommends that amendments are needed to H.B. 1002 for final vote on the floor of the House and Senate."

The motion passed unanimously with Rep. Clark absent for the vote.

4. Discussion of Automobile Dealer Franchise Issues

Rep. Painter introduced this item and said he believes Utah's franchise laws were violated when franchise contracts with Utah dealerships were terminated. He said he intends to prepare legislation for the 2010 General Session regarding this issue.

Mr. Craig Bickmore, Executive Director, Utah Automobile Dealers Association, agreed with Rep. Painter's comments.

MOTION: Sen. Davis moved to send a letter to the governor, the presidential administration, and Utah's congressional delegation expressing concerns with how Chrysler's decision will impact Utah's economy. The motion passed unanimously with Sen. Valentine, Sen. Niederhauser, and Rep. Clark absent for the vote.

5. Sunset Review: Comparison Tables Produced by the Insurance Department

Due to lack of time, this item was not discussed.

6. Implementation of 2009 General Session S.B. 211, "Building Code Amendments"

Ms. Owen distributed and discussed "Recent Changes: Who, How, and What if -- Choosing a Building or Fire Code."

Sen. Curtis Bramble and Rep. Todd Kiser explained their reasons for sponsoring this legislation during the 2009 General Session.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing (DOPL), discussed DOPL's efforts to implement 2009 General Session S.B. 211, "Building Code Amendments."

Mr. Dave Pierson, Chair, Utah Uniform Building Code Commission, explained that the Commission is made of volunteers and explained the Commission's role. He voiced concerns about the implementation of 2009 General Session S.B. 211.

7. Other Items / Adjourn

MOTION: Sen. Valentine moved to adjourn the meeting. The motion passed unanimously.

Chair Dunnigan adjourned the meeting at 10:45 a.m.